UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
JOHN F. KENNEDY FEDERAL BUILDING
BOSTON, MASSACHUSETTS 02203-0001

Enforcement-Sensitive Information Attached

Memorandum

Date: June 4, 1998

Subject: Request for a Removal Action at the Jard Company Site, Bennington, Bennington County, Vermont
Action Memorandum

From: Daniel J. Burke, On-Scene Coordinator D. McAntyre
Site Evaluation and Response Section I
Emergency Planning and Response Branch

To: Patricia L. Meaney, Director
Office of Site Remediation and Restoration

I. Purpose

The purpose of this Action Memorandum is to document the proposed removal action described herein for the Jard Company Site in Bennington, Vermont.

II. Site Conditions and Background

CERCLIS ID #: VTD048141741
Site ID #: L2
Category: Time Critical Removal Action

A. Site Description

1. Physical Location and Site Characteristics

The Site consists of approximately 11.26 acres near the center of Bennington, Vermont. The property is identified as lot #77 on tax map 45 and lot #73 on tax map 44. It is bounded on the north by Bowen Road (across from which is the UST Corporation); on the east by the State of Vermont Agency of Transportation Garage and by a wooded 22.9 acre parcel of land also owned by Jard; on the south by the Roaring Branch of the Walloomsac River (across from which is Mt. Anthony High School); and on the west by Little League baseball fields and an undeveloped lot.

A 66,705 square foot building is on the property. There is a cleared area adjacent to the building that was used for parking. The building and cleared area of the Site encompass approximately 4 acres. The remainder of the Site is wooded. The property is currently abandoned. Access to the Site is unrestricted to both vehicular and pedestrian traffic.

The topography is generally level around the building. Southwestern portions of the building extend into excavated areas of a 40-foot high gravel bank beyond which the Roaring Branch of the Walloomsac River is located.

2. Site History

The Jard Company (Jard) manufactured small capacitors, small non-fluid transformers and small motors from 1969 to 1989. The oil-filled capacitors were wound, assembled, impregnated with oil, degreased, tested, and painted. The transformers were wound, assembled, varnished, and tested.[1] Originally, the capacitors were filled with polychlorinated biphenyl (PCB) oil. At some time in the 1970s, Jard replaced the PCB oil with bis (2-ethylhexyl) phthalate (BEHP)[2] oil.

In 1989, Jard ceased its manufacturing operations and filed for Chapter 7 bankruptcy. The Site has been unoccupied since the cessation of operations.

3. Removal Site Evaluation

On March 16, 1997, a fire occurred at the Jard Company, Inc. building. Vermont Department of Environmental Conservation (VTDEC) and local officials requested United States Environmental Protection Agency (EPA) further investigate conditions at the Site.

On September 17, 1997, EPA began a Removal Program Preliminary Assessment/Site Investigation (PA/SI) to determine if contaminants were present in surface soils and on interior building surfaces. Twelve surface soil samples were collected; one subsurface soil sample was collected from a dry well; and five wipe samples were collected from the interior of the Jard Company, Inc. building. Eleven of the soil samples were collected from the southern and southeastern exterior areas of the building, and two were collected from the interior of the building. The samples were submitted to the EPA New England Regional Laboratory (NERL) for pesticide / polychlorinated biphenyl (pest/PCB) analysis.

On October 29, 1997, fourteen surface soil, two sediment, two concrete, three water, and three wipe samples were collected and submitted to NERL for PCB analysis.

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[1] **Draft Environmental Assessment of the Jard Property in Bennington, Vermont**, prepared by Wehran Engineering, November 1989

[2] BEHP is also referred to as di-octyl phthalate or DOP

Results of the sampling analysis indicated elevated levels of PCB's in virtually all sampled media.

4. Release or Threatened Release into the Environment of a Hazardous Substance, or, Pollutant or Contaminant

The hazardous substance of concern, identified through PA/SI sampling, is PCB. PCB is a hazardous substance as defined by Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Since the hazardous substance above is present in surface soil, a release of hazardous substances into the environment has already occurred.

5. National Priorities List (NPL) Status

The Site is not currently proposed for the NPL, nor is EPA currently planning to propose the Site for inclusion on the NPL.

B. Other Action to Date

The court-appointed trustee for Jard, Laurence H. Levy of Laurence H. Levy, Inc., contracted Wehran Engineering to perform a Phase I Site Assessment. The purpose of this assessment was to conduct an environmental audit prior to a possible sale of the property. The report, completed in November 1989, documented most of the environmental liabilities of the Site.

On March 11, 1991, VTDEC requested EPA's Emergency Planning and Response Branch perform a PA/SI to determine if the Site met the criteria for a Superfund Removal Action. EPA conducted a PA/SI at the Site on March 19, 1991. Results of the PA/SI indicated that conditions at the Site warranted a Removal Action. EPA and its contractors mobilized to the Site and conducted a Removal Action between January 6 and November 11, 1992. Removal activities included removing chemicals stored in drums and containers on site, pumping out dry wells and removing contaminated sediments, cleaning out floor drains, removing outside contaminated soils with unacceptable levels of PCB's, installing a perimeter fence, and securing the building.

EPA sent a Request for Access letter on April 21, 1998 to Jan Exman, Partner, Bennington Realty, L.L.C. Exman has an interest in the property and purchased the mortgage to the property, but has not yet foreclosed. If Exman does not sign the agreement, EPA will again seek a court order for access.

III. Threats to Public Health or Welfare or the Environment

PCB's are present in surface soil at this easily accessible Site. PCB's are classified by EPA as a probable human carcinogen. In addition, exposure to high concentrations of PCB's is suspected of causing liver damage, skin irritations, reproductive and developmental effects.

IV. Endangerment Determination

Actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or to the environment.

V. Proposed Actions and Estimated Costs

A. Proposed Actions

1. Proposed Action Description

The Removal Action will address the threat posed by PCB's in surface soil. Consistent with the previous Removal Action, contaminated surface soil will be capped or removed and transported to an off-site disposal facility to prevent direct contact. The perimeter fence will be repaired and the facility will be secured to discourage trespassing. All substances transported off-site will be disposed of at a facility according to the Code of Federal Regulations (CFR), Title 40, Protection of the Environment, part 300, National Oil and Hazardous Substances Pollution Contingency Plan, Section 440, Procedures for planning and implementing off-site response actions (40 CFR 300.440).

2. Contribution to Remedial Performance

The cleanup proposed in this Action Memorandum is designed to provide the remedy to mitigate the threats to human health and the environment posed by the Site and to satisfy the criteria set forth in 40 CFR 300.415(b)(2). The actions taken at the Site, however, would be consistent with conceivable remedial actions and will not impede any future responses.

3. Description of Alternative Technologies

The On-Scene Coordinator (OSC) will review potential alternative technologies to determine the most cost-effective and environmentally beneficial method of disposal. Landfilling of the contaminated soil is the most likely treatment/disposal option.

4. Applicable or Relevant and Appropriate Requirements (ARARs)

The potential federal ARARs identified to date are:

- ***Standards Applicable to Generators of Hazardous Waste, 40 CFR Part 262, Subpart C, Pre-Transport Requirements:***

  §262.30 Packaging
  §262.31 Labeling
  §262.32 Marking

- ***Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, 40 CFR 265, Subpart, Use and Management of Containers:***

  §265.171 Condition of Containers
  §265.173 Management of Containers
  §265.174 Inspections

- ***Clean Water Act Section 404; (40 CFR 23 and 33 CFR 320-330)***

- ***Standards for PCB Contaminated Waste, 40 CFR 761, Subpart C, Marking of PCB's and PCB Items, and Subpart D, Storage and Disposal:***

  §761.40 Marking Requirements
  §761.65 Storage Requirements

The following were identified as requirements to be considered (TBC) for the removal action:

- ***Standards for PCB Contaminated Waste, 40 CFR 761, Subpart G, PCB Spill Cleanup Policy:***

  §761.120 - §761.135 PCB spill cleanup policy

State ARARs. The OSC has sent a letter to the VTDEC requesting State ARARs.

In accordance with the National Contingency Plan (NCP) and EPA Guidance Documents, the OSC will determine the applicability and practicability of complying with each identified ARAR.

5. Project Schedule

Based on the available information, the OSC estimates that the removal action, as described in Section V.A.1, can be completed within seven months.

B. Estimated Costs

Extramural Costs

Regional Allowance Costs	
ERCS And Site Specific Contractors	$292,000
Other Extramural Costs not Funded from the Regional Allowance	
START Contractor	$50,000
Subtotal, Extramural Costs	$342,000
Extramural Cost Contingency (20%)	$ 68,400
Total, Extramural Costs	**$450,400**

Intramural Costs

Direct and Indirect	$50,000
Total, Intramural Costs	**$50,000**
Total Removal Project Ceiling	**$500,400**

VI. Expected Change in the Situation Should Action be Delayed or Not Taken

Delayed action will increase the health risks by increasing the possibility of direct contact with hazardous substances.

VII. Outstanding Policy Issues

None.

VIII. Enforcement — Intended for Internal Distribution Only

See attached.

IX. Recommendation

This decision document represents the selected removal action for the Jard Company Site in Bennington, Vermont. It was developed in accordance with CERCLA as amended and is consistent with the NCP. This decision document is based on the documents that will be placed in the administrative record for the Site.

Conditions at the Site meet the NCP §300.415(b)(2) criteria for a removal action in that there are:

- "Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, pollutants or contaminants" [300.415(b)(2)(i)]; and
- "High levels of hazardous substances, pollutants or contaminants in soils largely at or near the surface that may migrate" [300.415(b)(2)(iv)]; and
- "Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released" [300.415(b)(2)(v)]; and
- "The availability of other appropriate federal or state response mechanisms to respond to the release" [300.415(b)(2)(vii)]; and
- "Other situations and factors that may pose threats to public health or welfare or to the environment" [300.415(b)(2)(viii)].

Therefore, I recommend approval of this removal action. The estimated project total is $500,400 of which approximately $292,000 is for extramural cleanup contractor support.

Approval: Patricia D. Murray Date: 6/4/98

Disapproval: _____ Date: _____